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III. Remarks

In the Action, the Examiner indicates that the proposed drawing corrections and/or proposed substitute sheets of drawings filed on November 19, 2002 are approved and that a proper drawings correction or corrected drawings are required in reply to the Office Action. In a telephone conversation with Applicants' attorney – Joseph Powers – on February 29, 2003, the Examiner confirmed that no further actions need be taken with respect to the drawings, being that Applicants did not submit proposed drawing changes; rather, Applicants submitted formal drawings to the Patent Office on November 19, 2002.

Applicants would like to take this opportunity to note that the Action did not include initialed PTO 1449 forms for the IDSs timely submitted on June 22, 2001 and January 2, 2002. Consideration of the references cited therein and return of the initialed PTO 1449 forms are respectfully requested.

Claims 1-30 and Claims 92-121 are pending in the present application. Applicants are grateful to the Examiner for recognizing the allowable subject matter contained in pending claims 7, 8, 16, 26-30, 98, 99, 107 and 117-121. The remaining pending claims are rejected as set forth in the Action. Reconsideration and withdrawal of these rejections are respectfully requested in view of the amendments set forth in the Amendments To The Claims section and the arguments set forth below.

A. Claim Rejection Under § 102(e)

The Action rejects independent claims 1 and 92 as being anticipated by U.S. Patent No. 6,089,981 to Brenner et al. In so doing, the Examiner argues that Brenner discloses “means for providing race entry data through a computer network to a user terminal having a listing of tracks, scheduled races, a means for providing race program data through the computer network to a user terminal, means for providing live odds through a computer network ..., and a means for updating through a computer network (summary) as recited in claims 1 and 92.”

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Claims 1 and 92 have been amended to clarify that race entry data include a listing of scheduled races at each of said tracks "at a future date". As explained in the specification, at for example, Page 10, Line 28 through Page 11, Line 14, race entry data typically become available 48 hours in advance of a race, whereas program data generally become available 24 hours in advance of a race. Race entry data are generally subject to change as the race time draws nearer, i.e., when the program data become available for the races identified in the race entry data.

The Brenner system does not provide any racing data that include race entry data for races at a future date. As Applicants understand the Brenner system, the data provided by the Brenner system are limited to data relating to "current races at each track", i.e., the current day's races. Column 5, Line 63-Column 6, Line 13. Simply, there is no teaching or suggestion in Brenner et al. for the transmission of both race entry data for future races and race program data for current races.

Still further, Claims 1 and 92 are directed to a method and system, respectively, for providing wagering data for a race contest through a computer network. The claims specifically recite that the race entry data, race program data and odds data are transmitted to the user terminal through a computer network. Applicants submit that the Examiner has misconstrued the nature of the system of Brenner et al. The Brenner et al. system clearly does not provide racing data or odds data to a user terminal via a computer network. Indeed, Applicants suggest that such a system is antithetical to the purposes of the Brenner et al. system - to distribute data via a mass communication television system. The Brenner et al. distribution method is described as follows:

In wagering system 100, racing data are provided from distribution facility 120 to user terminals 122 via a distribution network 124, which is either cable wired directly to the home, a system of home satellite receivers, or radio or television broadcasting equipment. An advantage of using cable, satellites, or broadcast systems in distribution network 124 is that video

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information along with large quantities of racing data may be supplied to a large array of user terminals 122 more economically than with other systems. Using this type of system, the user can receive the racing data continuously, without forcing the wagering system 100 to monopolize the user's telephone line.

Column 7, Lines 7-24. Distributing the recited data through a computer network, such as the Internet via an HTTP session, is certainly not disclosed or suggested by the television distribution network and method described by Brenner et al. Although other art of record, such as U.S. Patent No. 5,991,756 to Wu, may disclose communications via the Internet, it does not disclose transmission of racing data and odds data, and Brenner et al. expressly teaches against using data communication means other than television distribution methods.

Therefore, Claims 1 and 92 are not anticipated by nor suggested by Brenner et al. or any of the prior art of record. Claims 1 and 92, and Claims 2-30 and 93-121, which depend from Claims 1 and 92, respectively, are allowable over the prior art of record.

B. Claim Rejection Under § 103(a)

Even though all pending claims are allowable as set forth above, Applicants would like to address some other rejections raised by the Examiner.

The Action rejects Claims 14-15, 17-25, 105-106 and 108-116 as being obvious from Brenner et al. in view of Wu. Claims 17 and 108 are directed to a method and system wherein a search board is provided to the user terminal that prompts the user to search the transmitted race program and race entry data for races including a specific horse, jockey or trainer or combination thereof selected by the user. Results of a search selected by the user are transmitted to the user identifying the races satisfying the search criteria. This recited feature enables the user terminal to search the race entry data and program data to look for specific races (current and future) of interest, e.g., races where a specific horse and jockey are paired. In rejecting Claims 17 and 108,

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the Examiner notes generally that Brenner et al. discloses "a means for providing selected result identifying races including a horse, jockey, or a trainer entries." The Examiner relies upon figures 20-23 of Brenner et al. for support. Applicants submit that the Examiner has misconstrued the disclosure of Brenner and/or what Applicants' have claimed.

First, as mentioned above, the Brenner et al. system does not provide race entry data. Further, Applicants submit that the data provided by Brenner et al. is not searchable, and certainly not searchable as recited by the Applicants. FIGS. 20-23 relied upon by the Examiner are described in Column 14, beginning at Line 21. FIGS. 20-23 all show handicapping data provided to the user terminal. The handicapping data are available only after the user has selected a track and a race. See FIG. 3. It appears that the data apply to the entrants in the race selected by the user. There is no search involved in this process. In contrast, Applicants have claimed a method and system that enables the user to search current and future races by a selected horse, jockey and trainer criteria to identify one or more qualifying races. If anything, Brenner describes an unrelated (or possible reverse) process of first selecting a race and then obtaining information on the horse, jockey or trainer. Claims 17 and 108, therefore, are independently allowable over the prior art of record.

Claims 18 and 19 depend from Claim 17, and Claims 109 and 110 depend from Claim 108. These claims are allowable for the same reasons set forth above in connection with Claims 17 and 108. In addition, Claims 18 and 109 have been amended to clarify that the search results of Claims 17 and 108, respectively, are caused to be organizable "by said user" by the recited characteristics, e.g., track, date, class, etc. The Examiner concedes that Brenner does not cause search results to be organized by a plurality of "headings" as recited by the claims. This is certainly accurate, being that Brenner et al. does not teach providing the claimed search results as argued above. The Examiner then contends that "Wu teaches the capability of searching and organizing according to keywords and topical searches for given information." Applicants assert that the Examiner has misconstrued Wu and/or the recited features of claims 18 and 109.

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Wu's disclosure is directed to a method of applying a search query to documents in a document repository.

FIG. 5 of Wu is provided as an example of search results provided to an HTTP client. A review of Wu reveals no disclosure regarding how the search results are organizable by a user. The Examiner is invited to provide a specific citation to the disclosure of Wu that provides this feature. Claims 18 and 109, therefore, are independently allowable over the prior art of record.

In rejecting claims 20, 23, 111 and 114, the Examiner also concludes that Brenner teaches providing a race board having a listing of a plurality of races scheduled for a predetermined period of time and "prompting a user at least one race characteristic (post-time) on a user terminal." First, claims 23 and 114 recite an organizing feature and steps, not a searching feature and steps. As examined above in connection with claims 18 and 109, the prior art of record does not teach or suggest any organizing features or steps as recited in the claims. Second, claims 20 and 111 have been amended to clarify that the user is prompted to select a search of a race listing for races having at least one characteristic and that the search results displayed to the user include "an indication of races that share said at least one race characteristic from said listing of a plurality of races." For example, a listing of races for a given period of time are provided. The user can then elect to search for all races that have a specific race class or purse value, for example. The races that share this race characteristic(s) are then displayed to the user. Such process or functionality is neither taught nor suggested by the Examiner's specific citation to Brenner et al. The citation by the Examiner (Column 9, Lines 41-64) describes the selection of a race upon which to wager using the displays of FIGS. 9-11 of Brenner et al. A list of several tracks is provided. One track is then selected by the user. A list of races at the track is then provided, and a specific race is selected by the user. No search of a listing of plurality of races for races having at least one race characteristic is selected by the user, and no search results are provided to the user including an indication of races from the listing that share the at least one race characteristic. Claims 20, 23, 111 and 114 are, therefore, also independently allowable over the prior art of record.

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Claims 22 and 113 each include an organizing feature. As analyzed above, this feature is neither taught nor suggested by the prior art of record. Claims 22 and 113, therefore, are also independently allowable over the prior art of record.

In view of the foregoing remarks and amendments, Applicants submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

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The Assistant Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1769.

Respectfully submitted,

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